

Applicants: Boyce-Jacino *et al.*
Serial No.: 09/097,791
Filed: June 16, 1998
Amendment and Response Accompanying
Request for Continued Examination
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REMARKS

In a Final Office Action mailed on June 24, 2003, the Examiner rejected claims 4-20, 23-28, 31, and 33-36 under 35 U.S.C. § 112, first paragraph, as containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time that the application was filed, had possession of the claimed invention. For the reasons set forth below, and in light of the amendments above, Applicants respectfully submit that the outstanding rejection should be withdrawn.

The Examiner asserts that there is not adequate written description for the limitation of claim 4 that the captured template not contain a region that is capable of forming a duplex with the spacer region that is adjacent to the region that is complementary to the primer region. Applicants previously pointed to Figure 2 and pages 15 and 16 of the specification for support.

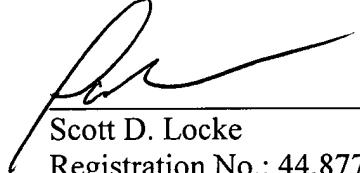
Applicants have amended claim 4 and direct the Examiner to page 27, line 32 - page 28, line 3, in which the Applicants have described that the primer region and the template cannot form a stable duplex because the regions of complementarity are no more than seven bases. This inability to form a stable duplex is present because the regions of complementarity between the primer and the target are not longer than seven bases. If the spacer could contain a sequence that is complementary to the target sequence adjacent to where the primer is complementary, then the region of complementarity would be longer than seven bases and a stable duplex as opposed to a transient duplex would be formed. Thus, page 27, line 32 – page 28, line 3, pages 15 –16 and Figure 2, provide support for the amendments above and for the limitation of claim 4, step (c) that the Examiner previously alleged had lacked support. Accordingly, Applicants respectfully request that the outstanding Office Action be withdrawn.

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Applicants have also amended claims 5, 10, 11, 23 and 28 to provide proper antecedent basis and canceled claim 31. No new matter has been added.

If any fee other than the enclosed fee is required, or an overpayment has been made, the United States Patent Office is hereby authorized to charge or credit Deposit Account No. 11-0171 for such sum accordingly.

Respectfully submitted,



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